

THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Zheng J. Li, et al. :

APPLICATION NO.: 10/650,253 : Examiner: PESELEV, ELLI

FILING DATE: August 27, 2003 : Group Art Unit: 1623

TITLE: CRYSTAL FORMS OF AZITHROMYCIN :

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL REPLY BRIEF**

Further to the Reply Brief filed on September 13, 2006 under 37 C.F.R. §41.41(a)(1) and §41.43(b) in response to the Examiner's Answer dated August 31, Applicants would like to withdraw their reliance on Todd Darrington's declaration to "swear-behind" Singer et al., U.S. Patent No. 6,365,574 ("Singer") and respectfully request that the Board reverse the Examiner's rejection of claims 125 and 128-144 over Singer in combination with Curotolo et al., U.S. Patent No. 5,605,889 ("Curotolo"). Applicants believe that the evidence on record clearly shows that the claimed pharmaceutical dosage forms are nonobvious over Singer in view of Curotolo.

The due date for a Reply Brief and Supplemental Reply Brief is October 30, 2006. Therefore, the present Supplemental Reply Brief is being timely filed.